



PO Box 87131  
San Diego, CA 92138-7131  
T/ 619-232-2121  
F/ 619-232-0036  
[www.aclusandiego.org](http://www.aclusandiego.org)

October 18, 2016

City of San Diego  
Office of the City Clerk  
Liz Maland, City Clerk  
202 C St., Second Floor  
San Diego, CA 92101  
[cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov)

VIA FIRST CLASS U.S. MAIL AND E-MAIL

RE: Request for Public Records Concerning ShotSpotter

Dear Ms. Maland:

I am writing on behalf of the American Civil Liberties Union of San Diego & Imperial Counties ("ACLU-SDIC") concerning documents related to the surveillance device ShotSpotter.

Under the California Public Records Act (CPRA), Govt. Code §§ 6250 – 6277; *see also* Cal. Const. Art. I, § 3(b), I request the following records from the period of January 1, 2010 – October 18, 2016:

1. Any and all communications from any employee or representative of ShotSpotter, Inc. (also known as SST) and any member of the San Diego city council, and any member of a city councilmember's staff, and the mayor of San Diego, and any member of the mayor's staff
2. Records of communications between any third party on behalf of Shotspotter and the above members of City of San Diego government
3. Invoices for the purchases of ShotSpotter devices
4. Any contracts and/or memorandums of understanding regarding ShotSpotter
5. Locations of any ShotSpotter devices in the City of San Diego
6. Details regarding plans to acquire and/or install Shot Spotter in future locations.
7. Policies and procedures concerning Shot Spotter devices

8. Documentation of what type of communications are expected to be recorded
9. Recordings of conversations that have been obtained since installing ShotSpotter devices

Please provide me with information regarding the ShotSpotter microphones, including materials that answer the following questions:

10. Are these microphones always on?
11. Can they pick up sounds other than gunshots?
12. What is the effective range?
13. Are they being monitored in live time?
14. Who is legally allowed to listen?
15. Are they able to store recordings? If yes, for how long?
16. Can non-criminal activities be stored, and for how long?
17. How long are suspected criminal activities allowed to be stored?

When a person requests records by describing their content, rather than asking for specific documents by name, an agency must “search for records based on criteria set forth in the search request.” *California First Amendment Coalition v. Superior Court*, 67 Cal.App.4th 159, 165-66 (1998). The CPRA applies to all documents in the City’s possession or control, regardless of who authored or prepared them, including emails, video and audiotapes, and other electronic records. Govt. Code § 6252(e). Please provide records maintained in electronic format in that same format. Govt. Code § 6253.9.

This request may reach records in the possession or control of the San Diego Police Department, the San Diego Mayor’s office, or other offices or departments in City government. I leave it to your office to coordinate the response without unnecessary duplication.

I appreciate that this is a broad request, and I would be happy to work with the City, if necessary to ensure that we receive the information we seek in a timely manner, and that government staff do not spend excess time locating and reviewing duplicative or non-responsive records.

The requested documents do not appear to fall within any privilege or exemption from disclosure. I have attempted to exclude privileged communications, attorney work product, and documents subject to seal by court order. However, to the extent the requests inadvertently capture such matters, please produce “[a]ny reasonably segregable portion” of responsive records “after deletion of the portions that are exempted by law.” Govt. Code § 6253(a).

October 18, 2016

Page 3 of 3

Please respond to this request within ten days, either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document and stating when the documents will be made available. Govt. Code §§ 6253(c), 6255. If necessary, please specify a future date by which you will respond to the request, or state whether there are no responsive records to any portion of this request.

I understand this request may capture a large number of records, and I am willing to work with the City on a reasonable timeline for production of responsive documents, including rolling production as may be appropriate.

Because ACLU-SDIC is a nonprofit civil rights organization, I ask that you waive any applicable fees. However, if you are unable to do so, the ACLU-SDIC will cover fees allowed by law such as direct copy costs.

Please contact me at 619-398-4181 or at [chill@aclusandiego.org](mailto:chill@aclusandiego.org) if you have any questions. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christie Hill", with a stylized, cursive script.

Christie Hill  
Senior Policy Strategist